

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 200701958-2)

In the Application of: Iyad Qumei

Serial No.: 10/813,212

Filed: March 30, 2004

For: Electronic Device Network Supporting
Enciphering and Deciphering and
Update Generation in Electronic
Devices

Art Unit: 2131

Examiner: Shin Hon Chen

Confirmation No. 4068

Electronically Filed on
January 17, 2008.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on November 23, 2007 (hereinafter, "Final OA"). The Final OA states that the Applicant's reply to the previous office action (mailed on June 20, 2007, hereinafter "June OA") is not persuasive. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

REMARKS

The present application includes pending claims 1-41, all of which have been rejected. The Applicant respectfully submits that claims 1-41 define patentable subject matter.

Claims 1-9 and 12 stand rejected under 35 U.S.C. 102(a) as being anticipated by Selkirk et al. U.S. Pub. No. 2003/0,051,160 (hereinafter, Selkirk). Claims 10, 11, and 13-41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Selkirk in view of Nachenberg United States Patent No. 6,230,316 (hereinafter Nachenberg). The Applicant respectfully traverses these rejections for at least the following reasons:

The Applicant respectfully submits that Selkirk does not anticipate claims 1-9 and 12. See September 12, 2007 Response at pages 10-14.

With regard to claim 1, the Applicant respectfully submits that Selkirk clearly does not disclose at least the element "... wherein at least a portion of the at least one of firmware and software in the plurality of electronic devices is encrypted." See *id.* at pages 10-12.

The Final OA states that Selkirk anticipates this element of claim 1: "Selkirk: [0009] and [0017]: the firmware updates are encrypted so that only firmware can decrypt the update." Page 2. The Applicant respectfully points out that portions of claim 1 seems to have been misconstrued. The Applicant reiterates that no portion of Selkirk teaches anything with regard to updating firmware or software where at least a portion of the firmware or software is encrypted, **in addition to the update**. See September 12, 2007 Response at pages 11.

Accordingly, the Applicant believes that claim 1 is allowable at least for the reasons stated above. Additionally, since the claims 2-9 and 12 depend from claim 1, the Applicant respectfully submits that these claims are also allowable.

With regard to claims 10 and 11, since those claims are dependent from allowable claim 1, the Applicant respectfully submits that claims 10 and 11 are also allowable.

With regard to claim 13, the Applicant respectfully submits that the proposed combination of Selkirk and Nachenberg clearly does not disclose at least the element "... generating binary difference information using a first firmware image and a second firmware image, wherein one or both of the first

and second firmware images are partially or entirely encrypted, and wherein generating comprises decrypting encrypted portions of the first and second firmware images." See *id.* at pages 15-16.

The Final OA states: "Selkirk does not explicitly disclose the update file is binary differencing information. However, Nachenberg discloses generating an update file by performing binary difference between old file and new file." Page 7. However, the Applicant respectfully reiterates that neither Selkirk nor Nachenberg make any mention of generating binary difference information using firmware images that are partially or entirely encrypted, and necessarily also fail to teach or suggest that the generating comprises decrypting encrypted portions of the firmware images. See September 12, 2007 Response at page 15.

Therefore, Applicant respectfully submits that the proposed combination of Selkirk and Nachenberg fails to teach all elements of Applicant's claim 13. Accordingly, the Applicant respectfully submits that claim 13 is allowable. Additionally, since the claims 14-21 depend from claim 13, the Applicant respectfully submits that these claims are also allowable.

The Final OA states that "claims 22-41 are rejected based on the same reasons set forth above in rejecting claims 1-21." Page 8.

With regard to claim 22, the Applicant respectfully submits that since claim 22 includes limitations similar to those for claims 1 and 13, claim 22 is allowable at least for the reasons discussed with respect to claims 1 and 13 in the prosecution of this application. See September 12, 2007 Response at pages 16-17.

Additionally, since claims 23-30 are dependent from claim 22, the Applicant respectfully submits that claims 23-30 are also allowable.

With regard to claim 31, the Applicant respectfully submits that Selkirk and Nachenberg, individually or in combination, do not disclose anything with respect to components of a firmware image of an electronic device nor of assembling such components into a firmware image of an electronic device, and fail to teach or suggest anything with respect to "...encrypting the components before

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assembling the components into an encrypted firmware image... ", as recited in Applicant's claim 31. See *id.* at page 17. Accordingly, the Applicant respectfully submits that claim 31 is allowable.

Additionally, since claims 32-41 are dependent from claim 31, the Applicant respectfully submits that claims 32-41 are also allowable.

Therefore, the Applicant respectfully submits that the pending claims 1-41 of the present application are allowable for at least the reasons discussed during prosecution of this application and request that the outstanding rejections be reconsidered and withdrawn.

Respectfully submitted,

Date: January 17, 2008

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